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8 Attorney for Defendant
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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,
14 Plaintiff,

15 v.

16 GIUSEPPE PENZATO, ET AL.,
17 Defendants.

Case No. CR 12-0089 EMC

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING STATUS HEARING
DATE AND EXCLUDING TIME UNDER
THE SPEEDY TRIAL ACT

19 Plaintiff, by and through its attorney of record, and
20 defendants, by and through their attorneys of record, hereby
21 stipulate and ask the Court to find as follows:

22 1. That the parties are currently scheduled for a status
23 and motion hearing on October 17, 2012. Further, that the
24 parties are in settlement discussions and additional time is
25 needed to permit defense counsel to meet with the acting chief of
26 the criminal division of the United States Attorney's Office as a
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1 part of these settlement discussions. For this reason, the
2 parties have agreed to a continuance of the status and motion
3 hearing, to November 14, 2012 at 2:30 p.m.

4 2. That the parties agree that the failure to grant such a
5 continuance would unreasonably deny counsel the reasonable time
6 necessary for effective preparation, taking into account the
7 exercise of due diligence and that October 17, 2012 through
8 November 14, 2012 should be excluded in accordance with the
9 provisions of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), on
10 the basis that the ends of justice are served by taking such
11 action which outweigh the best interest of the public and the
12 defendant in a speedy trial and also under subsection (B)(iv) for
13 effective preparation of counsel, taking into account the
14 exercise of due diligence.

15 Dated: October 3, 2012

/s/

Owen Martikan
Assistant United States Attorney

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20 Dated: October 3, 2012

/s/

Nanci Clarence
Attorney for Defendant
Giuseppe Penzato

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22
23 Dated: October 3, 2012

/s/

Gail Shifman
Attorney for Defendant
Kesia Penzato

1 **[PROPOSED] ORDER**

2 This matter having come before the Court upon the
3 Stipulation of the parties and GOOD CAUSE APPEARING, IT IS HEREBY
4 ORDERED,

5 That the October 17, 2012 status and motion hearing shall be
6 vacated and continued until November 14, 2012 at 2:30 p.m.;

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8 And, that the time from October 17, 2012 through November
9 14, 2012 shall be excluded in accordance with the provisions of
10 the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), to
11 provide the defense lawyers with time to review proposed plea
12 agreements and for effective preparation. The Court finds that
13 (A) failure to grant the continuance would unreasonably deny
14 defendants the reasonable time necessary for effective
15 preparation, taking into account the exercise of due diligence;
16 and (B) the ends of justice served by the continuance outweigh
17 the best interests of the public and the defendants in a speedy
18 trial. See 18 U.S.C. § 3161(h)(1)(7)(A) & (B)(iv).

19
20 **IT IS SO ORDERED.**

21 Dated: October 4, 2012



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24 HONORABLE EDWARD M. CHEN
25 United States District Judge
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